## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL ACTION NO. 3:11-CV-00676-FDW-DSC

DARAMIC, LLC, et. al.,	)	
Plaintiffs,	)	OBDED
v.	)	<u>ORDER</u>
ENTEK INTERNATIONAL, LLC,	)	
Defendant.	)	

**THIS MATTER** is before the Court on the parties request for an informal telephone conference pursuant to paragraph 1.i. of Chief Judge Frank D. Whitney's Claim Construction Scheduling Order (document #71) entered on July 18, 2012. The telephone conference was held on November 8, 2013.

The parties agree that counsel will communicate orally with opposing counsel and attempt to agree on a schedule before serving deposition subpoenas on any employees of the parties.

With regard to any other outstanding discovery issues, the parties are ordered to meet and confer as required by Federal Rules of Civil Procedure, the Local Patent Rules, the Local Civil Rules and all Orders entered in this case.

With regard to discovery issues raised by Plaintiff, the Court enters the following ORDER:

1. Defendant shall perform a reasonable collection and production of all types of documents responsive to Plaintiff's outstanding general discovery requests within twenty-one (21) days of this Order.

2. Defendants shall produce samples of separators produced by each Method within

seven (7) days of this Order.

With regard to Defendant's antitrust discovery requests served on Plaintiff on August 20

and October 4, 2012, the Court enters the following ORDER:

1. Plaintiff shall produce all documents responsive to those requests, including all

responsive documents from the FTC proceeding within twenty-one (21) days of this Order.

2. Plaintiff shall fully identify the custodians, search terms, and collection

methodology used in responding to Defendant's requests within twenty-one (21) days of this

Order.

3. Production and identification ORDERED above shall be without exception and/or

objection except:

a. To the extent Plaintiff contends it has already fully complied with items 1

and 2 above, it shall so certify in its discovery response.

b. To the extent Plaintiff contends any responsive document or information is

privileged, it shall produce a privilege log.

c. To the extent Plaintiff contends it is prohibited from producing documents

and/or information from the FTC proceeding pursuant to Protective Orders issued in that

proceeding and/or that is does not possess documents that Defendant seeks, it shall so certify in

its discovery response.

The Clerk is directed to send copies of this Order to counsel for the parties, including but

not limited to moving counsel; and to the Honorable Frank D. Whitney.

Signed: November 12, 2013

David S. Cayer

United States Magistrate Judge

## SO ORDERED.